

RESOLUTION NO. 2011-14

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO RIGHT-OF-WAY UTILITY POLES; URGING AT&T, COMCAST, FLORIDA POWER & LIGHT ("FPL") AND ALL OTHER SERVICE PROVIDERS ("SERVICE PROVIDERS") TO EXPEDITE TRANSFER OF UTILITY SERVICES FROM "DECOMMISSIONED" UTILITY POLES TO THE NEW "HARDENED" FPL UTILITY POLES BEING INSTALLED ALONG THE VILLAGE'S RIGHTS-OF-WAY; AND REQUESTING EACH SERVICE PROVIDER TO PROVIDE A SCHEDULE FOR COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, following the 2004 and 2005 hurricane seasons, the Florida Public Service Commission ("PSC") required Investor-Owned Utilities, including FPL to develop storm hardening plans to be filed periodically and approved by the PSC, to comply with the National Electric Standards Code Class B construction.

WHEREAS, the existing poles and facilities that service the Village of Biscayne Park (Village) have degraded and require updating to meet the State and Federal standards; and

WHEREAS, FPL has advised the Village of Biscayne Park that in compliance with the requirements imposed upon its industry, it is undergoing efforts to "harden" its electrical services to the Village, Miami-Dade County and FPL's service area throughout the state by updating the utility poles installed throughout the rights-of-way in the Village and FPL'S service areas throughout the State of Florida; and,

WHEREAS, the FPL utility poles throughout the Village are also used by Comcast, AT&T and other service providers ("Other Service Providers") in distributing and providing services throughout the community; and,

WHEREAS, there presently exist areas of the Village that have two adjacent poles ("Double Poles"): one a new wood or concrete pole, sitting beside an older pole which FPL is retiring from service ("Decommissioned Pole"), but which still houses facilities for Other Service Providers, most often AT&T and Comcast, creating an unsightly over-proliferation of poles in the Village rights-of-way; and,

WHEREAS, the Village Public Works has compiled a list of existing occurrences of Double Poles, as periodically amended, a copy of which is attached hereto, and like Double-Pole situation will increase due to the above-described hardening project; and,

WHEREAS, the Village urges AT&T, Comcast and FPL to coordinate and adhere to an expeditious plan of action and to provide the Village and FPL a timeline, a schedule, of when all Service Provider facilities will be moved to the newer poles, the Decommissioned Poles will be removed and "Double Poles" throughout the Village can be eliminated.

WHEREAS, the Village urges AT&T and Comcast to work with FP&L in connection with the above-referenced hardening project that is scheduled to begin in May 2011, so that as FPL replaces numerous older poles with newer poles throughout the Village, these other Service Providers promptly relocate their equipment over to the newer poles, and the Decommissioned Poles are removed expeditiously.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAVNE PARK, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.


Section 2. The Village Commission directs the Village Manager and Village Clerk to circulate this resolution to Comcast, AT&T and FPL, with direction to these service providers to ensure the transfer of services from the Decommissioned Poles to the new poles, to ensure the safety of the community, ensure the aesthetics of the community by eliminating unnecessary Double Poles and Decommissioned Poles from Village limits, require removal of decommissioned poles, regardless of the provider, and to ensure that such transfer of services takes place prior to the heart of hurricane season.

Section 3. The Village Commission directs the Village Manager and Village Clerk to provide this resolution to the Florida Public Service Commission, with request that the PSC assist as an intermediary between the utility service providers and the Village to ensure clear communications and resolution of the conflicting double-poles, including the removal of decommissioned poles, regardless of the provider.

Section 4. The Village Commission directs the Village Manager and Village Clerk to provide a copy of this resolution to the cities of North Miami, Miami Shores, El Portal, and other affected municipalities in Miami-Dade County.

Section 5. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 5th day of April, 2011.



Roxanna Ross, Mayor

Attest:



Maria C. Camara, Village Clerk

**The foregoing resolution upon being
Put to a vote, the vote was as follows:**

Mayor Ross : Yes
Vice Mayor Bernard: Yes
Commissioner Anderson : Yes
Commission Childress : Yes
Commissioner Cooper: Yes

Approved as to form:



John J. Hearn, Village Attorney